

Harry Kim
Mayor



Dixie Kaetsu
Managing Director

Peter L. Hendricks
Deputy Managing
Director

HAWAI'I COUNTY FIRE COMMISSION

C/O 25 Aupuni Street #217, Hilo, Hawai'i 96720
Phone: 961-8316 ; Fax: 933-1521

REGULAR SESSION - MINUTES

January 12, 2005

Hilo Lagoon Centre

Liquor Control Conference Room

Hilo, Hawai'i

CALL TO ORDER

The meeting was called to order by Commissioner Fergerstrom at 10:00 am.

ROLL CALL

PRESENT:

Stephen Bowles
Neil Brazier
Dale Fergerstrom, Chair
Rudolph Hart
Karen Maedo
Laura Ward

Excused: Glen Matsuda

A quorum was present.

ALSO PRESENT:

Lincoln Ashida, Corporation Counsel
Kaycie Carter
Ann Ignacio
Mark Ignacio
Laurie Kaneta
Louis Kaiwi
Gerald Kosaki

Christopher Langan
Ty Mederios
Darryl Oliveira, Fire Chief
Sid Quintal
Noni Sanford
Terry Wallace
Desmond Wery, Deputy Fire Chief

Hawai'i County is an Equal Opportunity Provider and Employer

Commissioners: Stephen Bowles, Neil Brazier, Dale Fergerstrom, Rudolph Hart, Karen Maedo,
Glen Matsuda, Laura Ward

STATEMENTS ON AGENDA ITEMS

None

APPROVAL OF MEETING PROCEEDINGS

Commissioner Maedo moved to accept the December 8, 2004, regular session minutes. The motion was seconded by Commissioner Hart and unanimously carried.

APPROVAL OF WRITTEN COMMUNICATIONS

Commissioner Maedo moved to accept communication numbers 04-84 through 04-099. The motion was seconded by Commissioner Ward and unanimously carried.

Regarding communication number 04-096, (Invitation to Salary Commission's subcommittee meeting), Commissioner Ward asked who from the HFC would be attending.

Commissioner Ward and Commissioner Maedo volunteered to represent the Hawai'i County Fire Commission at that meeting on Friday, January 21, 2005, at 1:30 p.m., in the Liquor Control Conference Room at the Hilo Lagoon Centre.

CHIEF'S REPORT

Budget

- FY 2005/06: Met with Mayor Harry Kim on December 20, 2004. Discussed the proposal for the reorganization of the department and the request for additional positions. The HFD is currently waiting for a response from the Mayor's Office. A meeting is scheduled with the Department of Finance on January 13, 2005, regarding the supplemental budget. An update will be given at the next HFC meeting.

Alternative Funding & Grants

- USFA Grant: Received an electronic inquiry from the Department of Homeland Security on January 5, 2005, regarding the Fire Act grant (\$430,000 request to purchase a mobile training prop for fire based scenario training). They want to know if the department would be able to match the funds and from what would it source come. Also included was an acknowledgement of the expectations of the rules with that particular grant.

Capital Improvement Projects

- Puna Public Safety Complex: No new updates.

- Pahoehoe Fire Station: A community meeting was held on December 7, 2004, to gather additional input. Environmental Assessment draft will be completed by the end of December.
- Fire Administration: Continuing to gather information to present to the Mayor's Office in support of the Fire Administration complex.
- Kalaoa Fire Station: Making progress now that lien issue was resolved on that property. The latest issue in question is regarding sight distance and clearance issues with access onto the highway. This may involve a request to reduce the speed limit.

Commissioner Fergerson asked when the HFD first started to look at this property.

Chief Oliveira stated that the ordinance was passed in 1999. The funds were approved and appropriated in 2000.

- Central Fire Station: Met with a representative from Lanakila Housing, they are open to discussion on land acquisition by the County of Hawai'i to establish a replacement of Central Fire Station. The site of interest is located on the corner of Wailoa Street and Ululani Street. This site will provide an optimum response time for the community and maintain Central Fire Station's current required response time.

Commissioner Fergerson questioned the start of the construction.

Chief Oliveira stated that the HFD is hoping to have construction start as soon as possible. The Lanakila Housing Project Manager's comments have been very favorable. The next step will be for the County to submit a formal request for the project and process a transaction in acquiring the land. There was a request made for the County to consider some support for their project, which may include a park and a support facility.

Commissioner Fergerson asked if the proposal was brought to the County Council.

Chief Oliveira answered that this project was submitted as a priority with their Capital Improvement Projects schedule, submitted on January 11, 2005.

Commissioner Brazier questioned the location of the site.

Chief Oliveira replied that the site was located across the street from the soccer/baseball field at St. Joseph School, on Wailoa Street and Ululani Street.

Promotions and Hiring

- Fire Radio Dispatcher III Promotions: Re-posting of internal recruitment will be conducted.
- Fire Radio Dispatch I Hiring: Received a certified list, anticipating hiring six new dispatchers, following the completion of the Fire Radio Dispatcher III promotions.
- FEO Promotions/Assessment Center: Assessment Center scheduled for January 24 and 25, 2005. Interviews will be held on January 26 through 28, 2005. The HFC was invited to participate with a stipulation of attending both days to show fairness to all candidates.
- Fire Fighter Recruit Candidates: Letters were mailed to applicants who successfully completed Phase I (background checks). Deputy Chief Desmond Wery is working with Personnel Management Specialist Ann Ignacio on getting Phase II (COMPASS test and interview) completed. Anticipating the start of a new recruit class in March 2005.

Operations Division

- Ocean View Fire Station: Continuing to operate with County funds. No updates received from State EMS Director Donna Maiava on State funding.
- Volcano Fire Station: On January 1, 2005, took over fire service from the Federal Fire Department.
- OfficeMax Fire: Inspector waiting for investigative reports from the Hawai'i Police Department. The cause of the fire is still undetermined. The store sustained a lot of water damage from the sprinkler systems. An update will be given at the next HFC meeting. OfficeMax management and staff have extended their appreciation to the HFD for their assistance with the fire and with the clean up.

Commissioner Fergerstrom questioned whether the HFD or the HPD was responsible for determining the cause of the fire.

Chief Oliveira stated that there was no obvious source of ignition as to where the fire occurred, therefore the HFD and the HPD are participating in a joint investigation.

- National Fire Academy: Captain Darren Rosario is attending Emergency Medical Services and Special Operations classes on January 3 through 14, 2005. Captain Quince Mento will attend an Executive Planning class, scheduled for January 31 through February 11, 2005. There has been a lot of interest from personnel, and many volunteers have also sent in their applications.

Commissioner Bowles asked if the interested applicants came from any specific area in the department.

Chief Oliveira stated that interest was mostly with repeat attendees, and applicants applied randomly throughout the department.

Commissioner Bowles asked if the volunteers who want to attend were applying islandwide.

Chief Oliveira stated that some units were more aggressively pursuing their interest. He offered to provide the HFC with a list of the applicants and what stations they were applying from.

Prevention Division

- New Years Fireworks: A total of 2,547 permits were sold with a value of \$63,675. Received reports of 18 fire-related incidents islandwide; 11 were brushfires. There were no structure fires and no medical related incidents reported.

Training Division

- 31st Recruit Class Update: Presently in driver training classes which will be completed on January 19, 2005. Preparing to go to EMT class. The HFD has received a tentative agreement with the Hawai'i Community College that they will teach the EMT class beginning March 2005.
- 30th Recruit Class Graduation: Held on Saturday, December 18, at 11:00 a.m., at Nani Mau Gardens. Appreciation was given to the commissioners who were able to attend and show their support.

Volunteer Division

- No new updates

Emergency Medical Service Division

- MICT Class Update: Students are scheduled to attend training on Oahu for five months starting in April 2005.

Fire Auxiliary Services

- No new updates

New Projects/Business

- 2005 Legislature: In the process of sending a proposal to seek funds for a dedicated aeromedical crew in South Kohala. The State EMS Director Donna Maiava had advised that it could be acquired with better success through a legislative bill rather than pursuing it through the standard EMS budget. Executive Director Andy Levin is assisting with drafting a bill.
- Public Speaking/Media Relations Classes: Tentatively scheduled for February 2005. Professor Steven Miura from the University of Hawai'i will host classes for personnel and the media.
- Kohala By The Sea: Received Firewise Community award on January 8, 2005, for being the first Firewise community statewide and the 50th in the

nation. Commissioner Stephen Bowles was thanked for representing the HFC.

- Fire Science 151 and 152 Classes: First class scheduled to begin on January 12, 2005. Approximately 70 firefighters and volunteer firefighters have signed up to participate. Program Coordinator Stacey Rogers at the Hawai'i Community College has advised the HFD both Chancellors from Honolulu Community College and Hawai'i Community College are in the process of signing a formal agreement to sustain this program.

Commissioner Fergerstrom asked if this program was to receive a Fire Science Degree or if it was just one class.

Chief Oliveira stated that this would be to set up an Associate Degree program with the Hawai'i Community College.

Commissioner Hart asked if it was a two-year program.

Chief Oliveira answered that it would be a two-year program. The HCC will be looking into giving credit to personnel who have attended accredited courses.

Commissioner Hart asked if the individuals who attended would be able to apply any previous college degree.

Chief Oliveira stated that Stacey Rogers would be researching this issue. Some of their personnel will be close to receiving an Associates Degree.

Fire Equipment Operator Mark Ignacio commented that there was a Fire Science Program in the past, which he attended, but due to lack of interest it was terminated. Many years ago when he received an Associates Degree in Criminal Justice he was able to transfer some of his credits to the Fire Science Degree.

Commissioner Fergerstrom asked if this class would be open to the public.

Chief Oliveira stated that this first class was set up to monitor the interest with the HFD. The funding was made through the Rural Development Program. The public will be able to attend in the fall semester.

Public Relations

- American Heart Association's Hawai'i Heart Walk 2005: The HFD will be participating on February 12, 2005, starting at 8:00 a.m., at Liliuokalani Gardens. All commissioners were invited to attend.

Commissioner Fergerstrom asked if there was any progress on the department's policies concerning violations of laws by department personnel.

Chief Oliveira answered that he and Personnel Management Specialist Ann Ignacio are working on that data and would be submitting it to the HFD's Union Representative and the Office of Corporation Counsel for their review.

Commissioner Brazier asked how many members were in the 30th Recruit Class and what the tentative number was for the 31st Recruit Class.

Chief Oliveira stated that the 31st Recruit Class was the most current class, which has 20 members. The upcoming 32nd Recruit Class will also have 20 members.

UNFINISHED BUSINESS

NONE

COMMITTEE REPORTS

Budget & Finance (Bowles/Hart) None

Office Management and Staffing (Fergstrom) None

Rules and Policies (Maedo)

- Commissioner Maedo stated that she was currently waiting for the handbook from the HFD to help assist with any revisions.

Chief Oliveira stated that it was in the process of being printed.

Public Relations (Ward)

- Denise Lindsey from Special Olympics asked if the HFD was interested in participating in the Guns and Roses Paddling Regatta event, in February 2005, at Kailua-Kona, Hawai'i.

FEO Mark Ignacio stated that the department would be participating.

Commissioner Ward commented that she was asked if any of the commissioners would be interested in participating. She does not paddle, but mentioned that former Commissioner Terry Wallace is an experienced paddler.

NEW BUSINESS

- Fire Chief Evaluation was completed and sent to Mayor Harry Kim. Eight Commissioners scored Chief Darryl Oliveira with 199 points out of 200 points possible.

Commissioner Fergstrom thanked Commissioner Brazier for being responsible for that issue.

Commissioner Fergerstrom also thanked Chief Oliveira for his hard work and for the professionalism that he has brought to the Hawai'i Fire Department.

Commissioner Fergerstrom asked Corporation Counsel Lincoln Ashida if the HFC would be able to discuss the grievance issue raised by Firefighter Christopher Langan in an open or closed (executive) session.

Corporation Counsel Ashida asked if he received his memo dated December 23, 2004.

Commissioner Fergerstrom replied that the memo was labeled confidential and he was unsure if he could discuss it in an open session.

Corporation Counsel Ashida advised him that he could.

FEO Mark Ignacio asked if he was able to place his issue on the next HFC agenda.

Commissioner Fergerstrom advised him that the HFC would gladly hear from him at the Public Statement portion of the meeting.

Corporation Counsel Ashida again responded to Commissioner Fergerstrom that he would be able to discuss his memo in an open session because he was a privileged holder.

Commissioner Fergerstrom asked if there was any need for a closed session.

Corporation Counsel Ashida stated that his recommendation was that it should not be held in a closed session.

Corporation Counsel Ashida addressed Mr. Langan and advised him that he was aware of his request for a closed session, but after researching the Hawai'i State Laws he was unable to find an exception to having this discussion in a closed session. If the commission hears anything concerning his issue, it would have to occur in an open meeting. He asked Mr. Langan if this was understood.

Mr. Langan stated that he understood and agreed to have his issue heard in an open session.

PUBLIC STATEMENTS

FEO Mark Ignacio introduced himself and explained that he had attended the meeting to speak on behalf of a majority of employees who were disappointed with the recent transfers that took effect on January 1, 2005, and the next to occur on

January 16, 2005. He would like to attend the next meeting to be held on February 9, 2005, and place this transfer issue on that agenda.

FEO Ignacio stated that he has spoken to Chief Oliveira regarding this issue. He does feel that Chief Oliveira is doing a good job, but this particular issue has "raised a lot of eyebrows" within the department. He would like the HFC to visit various Fire Stations to hear testimony among the numerous ranking officers. The latest transfers did not go according to past administrative practices. In the past, Chief Oliveira sent a memo stating that there were vacancies for different shifts with various fire stations around the island. All interested personnel were able to send in a request for transfer. The administration would then pick and choose and move people around to help benefit the department. On October 16, 2004, there was a promotion where six or seven candidates were promoted to Fire Captain. With the opening of the Volcano Fire Station and some personnel retiring at the end of the year, there were again vacancies created. The ranking firemen were not given a chance to send in a request for transfer because many of them did not know what vacancies were created. He would like the HFC to request that Chief Oliveira do what was done in the past and let the membership know what stations and platoons have vacancies.

Commissioner Fergerstrom thanked Mr. Ignacio for coming forward with his issue, but because of the Hawai'i Sunshine Law, his issue would not be discussed at the present meeting and would have to be placed on the next HFC agenda.

FEO Ignacio requested that the HFC contact personnel at different stations to get some feedback on this issue before the next meeting.

Commissioner Fergerstrom stated that the HFC would not be able to do that.

Commissioner Ward suggested that they contact the HFC instead.

FEO Ignacio thanked the HFC for allowing him to come forward with this issue.

Commissioner Fergerstrom asked Firefighter Christopher Langan if he would like to make his statement to the HFC.

Mr. Sid Quintal introduced himself as Mr. Christopher Langan's attorney.

Mr. Quintal stated that his client is a victim of workplace violence, which occurred with another co-worker. Unfortunately, the HFD decided to resolve this problem by what he and his client believe to be a punitive transfer. Mr. Langan was transferred out of his North Kohala (B) Fire Station. After he and Mr. Langan examined the situation it seemed that the department is unwilling and not equipped to decide whether it is appropriate to determine which of the employees is wrong. As documented, Mr. Langan was involved in a number of repeated situations with the same co-worker, who was not disciplined and declined mediation.

Mr. Quintal explained that because the HFD declined to make a judgement call, the innocent was punished. Chief Oliveira issued a memo on January 2005, that stated that all transfers would be based on qualifications, seniority, and expressed interest. Mr. Langan fits directly into the goal of the Chief's criteria. Mr. Langan would like the HFC to request that Chief Oliveira consider Mr. Langan's request for a transfer back to the North Kohala (B) Station for no other reason except for his expressed interest in this transfer. Mr. Langan is not ineligible for the transfer. This would substantially solve Mr. Langan's issue on what he believes to be punishment when the department transferred him out of North Kohala. They would like the Chief's consideration and commitment that he is not opposed to this transfer. Mr. Quintal also would request that Chief Oliveira put in writing that his client would be transferred sometime in the future, when it is appropriate.

Commissioner Fegerstrom asked if there was particular time limit for this request.

Mr. Quintal stated that they would request a reasonable time limit.

Commissioner Fegerstrom asked who would define the word reasonable.

Mr. Quintal stated that Mr. Langan is on leave, so to that extent he would like to return to work.

Commissioner Ward asked if the transfer was applied for and denied.

Mr. Quintal stated that it had not been applied for and was not discussed until today. Mr. Langan decided that he did not want this decision to be made in the context of trying to show the department was wrong, but basically that he is 100 percent eligible for the transfer.

While the Hawai'i Fire Commission was concerned with Mr. Langan's issues, they discussed their differing views on the HFC's involvement, including the need to hear from a Union representative and their role, the reason and when the transfer was applied for, the resolutions involved, Corporation Counsel Ashida's advice, the time limit for the transfer, the Civil Service issues, and the HFD's role.

Commissioner Maedo made a motion not to consider this grievance issue. Commissioner Bowles seconded the motion.

Commissioner Maedo stated that this was a labor agreement grievance form that has gone to the labor and the union. Chief Oliveira rendered a decision and she does not understand why the HFC is involved because it is already in the proper channels. The HFC does not exist in order to overturn any of the decisions made by Chief Oliveira. The union could appeal the decision and that is the proper place to settle this.

Commissioner Brazier stated that since he has served as a commissioner he was lead to believe that they were a monitoring group to oversee the HFD's activities of which they have become affiliated. There function is not to rush to any decision.

Commissioner Fergerstrom requested a 10-minute recess at 11:26 a.m.

Meeting resumed at 11:36 a.m.

Commissioner Maedo moved to withdraw her motion. Commissioner Bowles seconded the motion. The motion was withdrawn.

Commissioner Maedo moved to file today's communication and not to take any action. She encouraged Mr. Langan and Mr. Quintal to continue to utilize channels open to them. Commissioner Hart seconded the motion and it was unanimously carried.

The HFC thanked Mr. Langan and Mr. Quintal for coming forward and offering a clear presentation.

Mr. Kaiwi asked if the meeting with the Salary Commission scheduled for next Friday, January 21, 2005, would involve the Chief's salary.

Commissioner Fergerstrom answered that it would.

ANNOUNCEMENTS

- The next meeting is to be held on Wednesday, February 9, 2005, at 10:00 a.m. in the Liquor Control Conference Room, Hilo Lagoon Centre, Hilo, Hawai'i.
- Set agenda for February 9, 2005 meeting
 - Fire Equipment Operator Mark Ignacio's presentation regarding employees who were disappointed with recent transfers.

ADJOURNMENT

Meeting was adjourned at 11:40 a.m.

SUBMITTED BY:

KAYCIE A. I. CARTER
Secretary